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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,659	07/18/2001	Marc Enrico	GEM625	7380

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EXAMINER	
HAMILTON, KIMBERLY Y	
ART UNIT	**PAPER NUMBER**
2635	

DATE MAILED: 08/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/889,659	ENRICO, MARC	
	Examiner	Art Unit	
	Kimberly Hamilton	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amendments, which as shown on pg. 3-6, within Application No. 09/889659 filed on June 1, 2004. In addition, the Examiner acknowledges the corrections made in Figs.1 and 2, which are now in accordance with 37 C.F.R. § 1.121 (d) (1) and (2).

Response to Arguments

2. Applicant's arguments filed on June 1, 2004 have been fully considered but they are not persuasive. In response to the arguments of pg. 13, line 23 – pg. 14, line 21, the Applicant discloses primary reference Marsh does not teach interrogation signal modification to prolong the mute or sleep state of the other transponders; however, Marsh teaches transmission of a respective modified signal to the each transponder once the said interrogation unit receives the response signal from the identified transponder; thus, resulting in the cessation of response signal transmission (pg. 2, lines 25-27). In turn, the remaining transponder will remain in a mute/sleep state until the next interrogation signal is emitted. In response to the arguments of pg. 15, lines 6-22, the Applicant discloses the secondary reference Atkins as being contrary to the Applicant's invention, because Atkins teaches a signal that is emitted to wake-up/re-activate the remaining transponders, ~~and~~ However, Atkins also teaches tags to "resume" in a "wait" mode (pg. 8, lines 24-26).

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure, because the Applicant's Abstract exceeds the maximum word range of 150 words.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. **It is important that the abstract not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (EP 0585132) in view of Atkins et al. (WO 9852142).

Regarding claims 11-14 and 18, Marsh, who teaches synchronized electronic identification system to collision prevention, discloses and identification system that comprises an interrogator that has a means to transmit an interrogational signal to the plurality of transponders, which have a receiver to receive the interrogations signal and transmits a response that includes data that identifies that said transponder (pg.2, lines 17-23). Furthermore, Marsh discloses the transmission of a respective modified signal to the each transponder once the said interrogation unit receives the response signal from the identified transponder; thus, resulting in the cessation of response signal transmission (pg. 2, lines 25-27). Moreover, Marsh teaches that each transponder has it own time means, or clock generator (pg. 2, line 22). Over a period of time, the modified interrogation signal corresponds with the clock period of the identified transponder (pg. 3, lines 18-19). The transponders may comprise logic circuitry that enables them to watch or listen (read as monitor) for the modification signal, which has a time period that is related to the predetermined number of clock period (pg. 3, lines 15-19). Thus, the silent

transponder will have a waiting period where a new signal must be transmitted in order for one of them to respond to the new modified interrogation signal. However, Marsh fails to teach a single modification signal to "silence" the remaining unidentified transponders.

Atkins, who also teaches an identification system, discloses an anti-collision method for the interrogation unit to receive the response signals from a plurality of transponders (Abs., line 1). Atkins elaborates on the method and explains that once the interrogation unit receives a response signal from the identified transponder, the interrogation unit immediately transmits a "mute" signal to the remaining transponders, which in turn is a modified signal (pg. 5, lines 4-10). Additionally, Atkins teaches that the "mute" command merely causes the other transponders to not only transmit their response signal, but are also in a "waiting" mode for a predetermined period of time (pg. 5, lines 21-23). Thus, it would have been obvious to one of ordinary skill in the art to have a single "mute" instruction of Atkins into the interrogation unit of Marsh, for Marsh discloses an identification system for a plurality of transponders that receive an their respective modified signal, and Atkins teaches an interrogational unit that transmits a modified signal that is a "mute" command to silence the unidentified transponders to enable the identified transponder to communicating to the interrogation; hence, the method will prohibit any collision of response signals for the remaining transponders.

Regarding claim 15, Marsh teaches that the transponder will continuously transmit identification code to the interrogation unit if the said unit does not transmit its modified signal to "turn off", or rather to cease sending out the identification signal. Henceforth, the transponder "listens", or rather monitors for the proper signal over a period of time, before the said transponder replies (pg. 5, lines 1-5).

Regarding claims 16-17, Marsh discloses the identifications system to comprise an interrogation unit that transmits a signal to the transponders, which read/write and execute the command from the said interrogational unit (pg, lines 17-12). Additionally, only one transponder is able to respond one at a time, for the interrogation unit sends out a "mute" signal to cease any identification codes from being transmitted from the other remaining transponders (pg., lines 23-27).

Regarding claims 19-20, Marsh teaches that the identified transponder will return back to its original mode in order for the next transponder to be identified by the interrogator. This process happens over a duration period after the operation of the first identified transponder (pg.4, lines 7-17).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The Examiner tenaciously adheres to the rejections, and feels that the rejection under 35 U.S.C 103(a) covers the limitations of the "prolonged time period". Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bradin (US 6566997) teaches an interference control method for radio frequency identification systems.
- Heng (US 6538563) teaches an RF transponder identification system with an interrogational unit that transmits to a plurality of transponders.
- Black et al. (US 5986570) teaches a method for resolving collision from a plurality of transponders.
- Geiszler et al. (US 6411199) teaches a radio frequency identification system.
- MacLellan et al. (US 5940006) teaches a communication system comprising an interrogation unit that communicates with the transponders (tags), which receives modulated signals.
- Meir (US 5294931) teaches a method of interrogating a plurality of transponders.
- Schuermann (US 5500651) teaches a system for reading a plurality of RFID transponders.
- Schuermann (US 5550548) teaches an interrogator for detecting adjacent transponders.
- Cato (US 5822714) teaches a data processing system for accessing a plurality of RFID transponders.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975.

The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Kimberly Hamilton
Examiner
Art Unit 2635
6 August 2004

KYH

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600